

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 02 SAN JOSE 001819

SIPDIS

WHA/CEN  
EB FOR WCRAFT, BMANOGUE  
E FOR DEDWARDS  
WHA FOR WMIELE  
WHA/EPSC FOR KURS, LGUMBINER  
H FOR JHAGAN  
STATE PASS TO USTR FOR RVARGO, CPADILLA, AMALITO

E.O. 12958: N/A

TAGS: [ETRD](#) [ECPS](#) [ECON](#) [PREL](#) [PGOV](#) [SOCI](#) [CS](#)

SUBJECT: COMMISSION OF EMINENT PERSONS MEETS WITH PRESIDENT PACHECO

REF: SAN JOSE 01639

1. Summary. On August 8, 2005 the five-member Commission of Eminent Persons met with President Pacheco to discuss the status of their review of the text of the U.S.-Central American-Dominican Republic Free Trade Agreement (CAFTA-DR). Franklin Chang, head of the Commission, stated that they have already started interviews with those who are in favor of the agreement and those who are not. The Commission also presented its plan to complete their work, including the areas in which it will focus. Chang said that there is no need to request an extension of the 60-day goal the President set to complete the Commission's work and submit its report. End Summary

2. According to Chang, it is not a goal of the Commission to provide a definitive recommendation regarding whether or not to approve CAFTA-DR because that is the job of the Legislative Assembly deputies (once the President sends it to them). "We want to hear both sides ... the report will not be a yes or no to CAFTA-DR. We will investigate comments about the weaknesses and strengths for which the country should prepare itself," commented Chang.

3. Another Commission member, Gabriel Macaya, added that they will not examine the agreement chapter by chapter, but will perform a general analysis of CAFTA-DR, concentrating on principal topics. The Commission has identified thirteen topics of the agreement in which it will focus: (1) to determine if the document (CAFTA-DR) is a treaty or agreement based on Costa Rican law, (2) format and criteria that will be used to write the report, (3) conflict resolution, (4) intellectual property rights, (5) patents, (6) generic drugs, (7) protection of the environment, (8) telecommunications, (9) insurance, (10) labor, (11) small and medium businesses, (12) review of the general impact of the trade agreement, and (13) the complementary agenda.

4. Since starting their work on July 16, 2005 (reftel), the Commission has met on eight occasions, some of them via digital video conference, which was necessary due to Chang's personal and work commitments in the U.S. The Commission has met with at least four persons, some for and some against the agreement, to investigate their views. However, the Commission members would not reveal with whom they met. They did confirm that they have not met with any Costa Rican ex-negotiators of the agreement, all of whom have left the Ministry of Foreign Trade (COMEX) since the agreement was signed last year. However, they acknowledged using, as a tool in their evaluation, the book written by Anabel Gonzalez, the ex-lead negotiator, entitled "Legal Studies of CAFTA-DR," among other texts.

5. The Commission members agreed that there is "still much work to do" and expressed the desire to involve interested Costa Ricans. "We want to count on, as much as possible, the participation of all Costa Ricans, to guarantee an open and transparent process," Chang assured. To encourage input from citizens, the Commission has published an email address to which anyone can send their comments about CAFTA-DR ([spoveda@cariari.ucr.ac.cr](mailto:spoveda@cariari.ucr.ac.cr)).

6. The Commission plans to continue their work and set a goal to produce a first draft by August 31, 2005, and the final report submitted to the President by September 16, 2005. "The time is coming in which we will deliver our report to the President, and he will know what to do with it," said Chang.

-----  
INTERVIEW WITH ONE COMMISSION MEMBER - ALVAR ANTILLON  
-----

7. The August 9, 2005 "La Nacion" article covering the above meeting also included an interview of one of the Commission Members, Alvar Antillon, a lawyer and expert in international agreements, and currently an adviser to the

Foreign Affairs Minister. Antillon started the interview by stating that with respect to his work on the Commission of Eminent Persons, he refuses to take a partisan attitude. However, he admitted to the desire to be a Legislative Assembly member candidate for the left-leaning Citizens' Action Party (PAC) in the upcoming elections (February 2006). The official position of PAC is that the agreement should not be passed in its current form but should be renegotiated.

18. When asked about how he could guarantee his objectivity as a member of this Commission given his self-proclaimed ties to PAC, Antillon responded, "I have the position of a member of the group of eminent persons, that is to say, at the heart of my work is the examination of what is best for Costa Rica, nothing else." He interrupts the interviewer's next question by stating that if you assume that I "will have a partisan interest above the good of Costa Rica, you are mistaken." He further states, "You should ask these questions to the other members of the Commission, because none of them have denied their relationship with Oscar Arias (pro-CAFTA-DR presidential candidate). This group was chosen because of their independence, you have to leave it there and not look for other things."

KAPLAN